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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Robert Miller,

Plaintiff,

v.

4Internet, LLC; and John Does 1-10,

Defendants.

Case No. 2:18-cv-02097-JAD-VCF

**United States' Acknowledgement of  
Constitutional Challenge in  
Defendant's Motion for Summary  
Judgment**

On July 23, 2020, Defendant 4Internet, LLC filed a notice of constitutional challenge with respect to 17 U.S.C. §§ 102 and 410. ECF No. 49. Although the United States may intervene in any action wherein the constitutionality of an act of Congress is questioned, 28 U.S.C. § 2403, at the time, the constitutional challenge was only raised in Defendant's Amended Answer. *See* ECF No. 29. Nonetheless, the United States filed an acknowledgment of the constitutional challenge and requested an opportunity to respond should the challenge be raised in a substantive filing. *See* ECF No. 64.

On November 1, 2021, the United States became aware of Defendant's motion for summary judgment (ECF No. 94). As part of its motion, Defendant again challenges the constitutionality of 17 U.S.C. §§ 102 and 410 (ECF No. 94 at 26–30). However, the basis for the constitutional challenge remains unclear, and given that the motion argues various alternative grounds for summary judgment, there still is some possibility that the case may

